

REMARKS

This Application has been carefully reviewed in light of the Final Action dated August 11, 2006. In order to advance prosecution of the present Application, Claims 1, 11, and 16 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Independent Claims 1 and 16 have been amended to show that the first and second data switches are either between or the same as either the destination or protection switches in the working path. Independent Claim 11 has been amended to show that the first upstream switching system is either between the destination and protection switching systems or the same as the protection switching system in the working path. Thus, the claims have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 1-20 are in accordance with 35 U.S.C. §112, second paragraph.

Applicant notes with appreciation the allowability of Claims 1-20 if amended to overcome the rejections under 35 U.S.C. §112, second paragraph. As indicated above, Independent Claims 1, 11, and 16 have been amended to address matters raised by the Examiner. therefore, Applicant respectfully submits that Claims 1-20 are in condition for allowance.

This Response to examiner's Action is necessary to address the new grounds of rejection raised by the Examiner and place the claims into condition for allowance. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided new grounds to support the rejections of the claims.

CONCLUSION

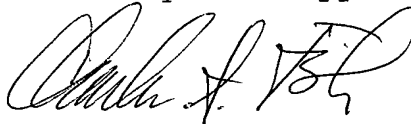
Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

October 6, 2006

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 05073